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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,685	03/15/2004	Takashi Ito	5241-0107PUS1	8648

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BIRCH STEWART KOLASCH & BIRCH
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EXAMINER

PIERY, MICHAEL T

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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03/18/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/799,685	Applicant(s) ITO ET AL.	
	Examiner MICHAEL T. PIERY	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 rejected under 35 U.S.C. 102(b) as being anticipated by Kawakita (Japanese Patent Publication Number 2002-096344).

Regarding claim 1, Kawakita teaches a method comprising the steps of: designing and making, according to the optimized form of the optical device, a temporary molding die for molding the optical device (Paragraph 0020); molding a first temporary optical device by using the temporary molding die (Paragraph 0023); measuring a wavefront aberration of thus molded first temporary optical device (0024); calculating a correction wavefront aberration compensating for the wavefront aberration (Paragraph 0027); designing by using at least the plurality of optical parameters a second temporary optical device for optimizing a form so as to exhibit the correction wavefront aberration (Paragraph 0033); and designing, according to the optimized form of the second temporary optical device, a normal molding die for molding a normal optical device (Paragraph 0033 and Paragraph 0023).

Regarding claim 2, Kawakita teaches a method according to claim 1, as discussed above, further comprising the steps of: molding the normal optical device by using the normal molding die (Drawing 1); measuring a wavefront aberration of thus molded optical device (Paragraph

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0024); and recalculating the correction wavefront aberration when the wavefront aberration has a value greater than a predetermined reference value (Paragraph 0027), and repeating subsequent steps until the value of the correction wavefront aberration becomes the reference value or less (Drawing 2).

Regarding claim 3, Kawakita teaches a method according to claim 1, as discussed above, wherein the wavefront aberration correction and wavefront aberration are measured by using an interferometer apparatus for measuring a transmitted wavefront (Paragraph 0024). Kawakita discloses using transmitted wave side measurement; this type of measurement is the function of an interferometer.

Regarding claim 4, Kawakita teaches a method according to claim 1, as discussed above, wherein a plurality of wavefront aberration amounts are measured in a plurality of divided areas, respectively, and respective correction wavefront aberration amounts are calculate for thus measured plurality of wavefront aberration amounts (Paragraph 0024).

Regarding claim 5, Kawakita teaches a method according to claim 1, as discussed above, wherein at least one surface of the optical device is an aspheric surface (Paragraph 0020).

Regarding claim 6, Kawakita teaches a method according to claim 1, as discussed above, wherein the optical device is a single lens, used for an optical pickup objective lens, having aspheric surfaces on both sides (Paragraph 0002).

Regarding claim 7, Kawakita teaches a method according to claim 1, as discussed above, wherein the molding die is used for pres molding or injection molding (Paragraph 0038).

Response to Arguments

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3. Applicant's arguments filed January 30, 2008 have been fully considered but they are not persuasive.

Applicant argues that "there is no calculation or a correction wavefront aberration which compensates for wavefront aberration." The examiner disagrees. Firstly, the values of the table have been calculated beforehand using a formula prescribing an aspheric surface and the variation quantity of the aspheric surface aberration value. Secondly, the correction value determined from the calculated table, needs to be added to or subtracted from the initial value (therefore calculated), as taught in the example discussed in Paragraph 0030.

Applicant argues that "there is never any suggestion in '344 of changing the mold design using at least the plurality of optical parameters as claimed." The examiner disagrees. Applicant neither claims changing a plurality of optical parameters nor calculating a plurality of optical parameters, rather, applicant claims designing using a plurality of optical parameters. Kawakita teaches designing a second mold based on a plurality of optical properties, optical molds are not designed solely on wavefront aberration, but are designed based on a plurality geometric and optical properties such as refractive index. Kawakita discussed other properties used to fabricate lenses via a mold in Paragraph 0010.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. PIERY whose telephone number is (571)270-5047. The examiner can normally be reached on M-Th 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Christina Johnson/
Supervisory Patent Examiner, Art Unit 1791